

HOUSE BILL NO. 603

INTRODUCED BY J. SHOCKLEY

BY REQUEST OF THE HOUSE JUDICIARY STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "~~AN ACT REQUIRING A STATE AGENCY TO NOTIFY THE ATTORNEY GENERAL WITHIN 10 DAYS OF A NOTICE OF APPEAL SERVED ON THE STATE AGENCY EXPANDING THE REQUIREMENTS FOR NOTICE TO AND INTERACTION WITH THE ATTORNEY GENERAL WHEN A STATE AGENCY IS A PARTY TO A PROCEEDING FOR WHICH JUDICIAL REVIEW IS SOUGHT~~"; AMENDING SECTION 25-1-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 25-1-502, MCA, is amended to read:

"25-1-502. Notice of appeal to be served on attorney general WHEN STATE IS PARTY TO JUDICIAL REVIEW ~~CONSULTATION WITH ATTORNEY GENERAL~~. ~~When a department or board of this state appeals from a judgment or order or is served with a notice of an appeal from a judgment or order entered in any court of this state or in a federal court, a copy of the notice of appeal must be served on the attorney general within 10 days~~ (1) IF THE STATE OR A DEPARTMENT, OFFICER, OR BOARD OF THE STATE APPEALS FROM A JUDGMENT OR ORDER ENTERED IN ANY COURT OR FILES A PETITION FOR A WRIT SEEKING REVIEW OF A MATTER IN ANY APPELLATE COURT, THE ATTORNEY REPRESENTING THE STATE, DEPARTMENT, OFFICER, OR BOARD SHALL NOTIFY THE ATTORNEY GENERAL WITHIN A REASONABLE TIME IN ADVANCE OF THE FILING OF THE NOTICE OR PETITION. THE ATTORNEY SHALL SERVE A COPY OF THE NOTICE OF APPEAL OR OF THE PETITION ON THE ATTORNEY GENERAL AND PROVIDE THE ATTORNEY GENERAL ON REQUEST A COPY OF THE ORDER, JUDGMENT, OR OPINION FOR WHICH REVIEW IS SOUGHT.

(2) IF A NOTICE OF APPEAL OR PETITION FOR A WRIT SEEKING REVIEW IN ANY APPELLATE COURT IS SERVED UPON THE STATE OR A DEPARTMENT, OFFICER, OR BOARD OF THE STATE, THE PARTY SERVING THE NOTICE OR PETITION SHALL SERVE A COPY ON THE ATTORNEY GENERAL AS WELL AS ON ANY OTHER COUNSEL REQUIRED BY LAW TO BE SERVED.

~~(3) UPON REQUEST OF THE ATTORNEY GENERAL, THE ATTORNEY LITIGATING A MATTER BEFORE AN APPELLATE COURT ON BEHALF OF THE STATE OR A DEPARTMENT, OFFICER, OR BOARD OF THE STATE FOR WHICH SERVICE ON THE ATTORNEY GENERAL IS REQUIRED UNDER THIS SECTION SHALL CONSULT WITH THE ATTORNEY GENERAL AS TO THE~~

1 ~~LITIGATION OF THE MATTER BEFORE THE APPELLATE COURT."~~

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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5 NEW SECTION. **Section 3. Applicability.** [This act] applies to any action or other proceeding for
6 which the time for an appeal has not yet begun to run on [the effective date of this act].

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